

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MITCHELL LEE WOODS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-CV-2239-JWL/GLR
)	
CITY OF WICHITA,)	
)	
Defendant.)	
)	

ORDER

The parties have submitted an Agreed Order directed to the City of Wichita Police and Fire Pension Board of Trustees for production of all records pertaining to plaintiff. The proposed Agreed Order directs City of Wichita Police and Fire Pension Board of Trustees to produce for inspection by the attorneys of record for the plaintiffs and defendants, all records pertaining to plaintiff, including reports, medical records, evaluations, applications, decisions, minutes of meetings, benefits, any reviews and documents submitted or secured regarding any application and/or review.

The City of Wichita Police and Fire Pension Board of Trustees is not a party to this lawsuit. The Court therefore has no jurisdiction over it. As the Court has no jurisdiction over this entity, the Court has no basis to enter an order requiring the City of Wichita Police and Fire Pension Board of Trustees to produce any records pertaining to plaintiff.¹

¹*See Cline v. Southern Star, Inc.*, No. 03-2655-GTV-DJW, 2004 WL 2203452, at *1 (D. Kan. Aug. 20, 2004) (court has no jurisdiction over third-party employers and health care providers; court therefore has no basis to order them to release plaintiff's employment and medical records to defendant). *See also Becker v. Securitas Sec. Servs. USA, Inc.*, Civ. A. No. 06-2226-KHV-DJW, 2007 WL 677711, at *3 n.12 (D. Kan. Mar. 2, 2007) ("To the extent the records for which Defendant seeks authorizations are in the custody, control or possession of a non-party, Defendant may serve a subpoena on the non-party pursuant to Federal Rule of Civil Procedure 45. In the event the non-party objects or otherwise refuses or fails to produce the subpoenaed documents, the Court

Federal Rule of Civil Procedure 45 provides that a party may obtain documents from a non-party by serving a subpoena for the production of documentary evidence. Thus, the records sought from the City of Wichita Police and Fire Pension Board of Trustees may be obtained through the subpoena process. There is no evidence, however, that the parties have attempted to obtain the records through the use of a subpoena. If one of the parties serves a subpoena and the City of Wichita Police and Fire Pension Board of Trustees objects to providing the documents in response to the subpoena, the party serving the subpoena may file a motion to compel pursuant to Rule 45(c)(2)(B)(i), which may then result in an order being entered.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 30th day of January 2008.

s/ Gerald L. Rushfelt
Hon. Gerald L. Rushfelt
United States Magistrate Judge

would consider a motion requesting that the Court enforce the subpoena and compel the non-party to produce the documents pursuant to Rule 45.”).